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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,620	09/30/2003	Marvin V. Manwaring	DP-308792 (60,408-461)	4198
27305	7590	08/17/2005	EXAMINER	
HOWARD & HOWARD ATTORNEYS, P.C. THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE BLOOMFIELD HILLS, MI 48304-5151			BROWN, DREW J	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,620

Applicant(s)

MANWARING ET AL.

Examiner

Drew J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings***

1. The drawings are objected to because reference numbers 12 and 14 in Figure 1 designate different elements than in the other figures. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On line 3 of paragraph 1, “that capable” should be “that is capable.” On line 7 of paragraph 2, “absorbing device including an energy absorbing straps” should be “absorbing devices including energy absorbing straps.” On line 5 of paragraph 3, “an anti-theft devices”

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should be "an anti-theft device." On line 1 of paragraph 7, "constant need in area" should be "constant need in the area."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites a break-away device limits movement of the shift lever upwardly toward a parallel relationship with the shift axis, and it releases the shift lever for movement toward the parallel relationship in response to a crash condition. It is unclear to the examiner exactly where the "upward" direction is in reference to the occupant. As understood by the examiner, the shift lever breaks away in a backward motion towards the occupant. Since the steering column collapses forward, the shift lever would contact the dashboard and break backwards; therefore, the "upward" direction is considered to be back towards the occupant for examination purposes.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoji et al. (JP 2002/002322). Yoji et al. discloses a housing 3 having a longitudinal axis, a support member 10 that is supported by the housing for movement about a shift axis, and a shift lever 20 operatively connected to the support member and extends radially from the shift axis for shifting movement in a limited space. The steering column assembly is also characterized by a break-away device 12, which interconnects the shift lever and the support member for limiting movement of the shift lever upwardly toward a parallel relationship with the shift axis and for releasing the shift lever for movement toward the parallel relationship in response to a crash condition (See Abstract).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoji et al. in view of Duval et al. (U.S. Pat. No. 6,367,840 B1). Yoji et al. discloses the claimed steering column assembly as discussed above but does not disclose that the break-away device comprises a fuse responsive to an electrical crash condition signal. Yoji also does not disclose that the break-away device includes a shear container that holds the fuse. Duval et al., however, discloses a fuse, or a pyrotechnic actuator 201, that is responsive to an electrical crash condition signal and also held by a shear container 204 (column 9, lines 41-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yoji et al. with the teachings of Duval et

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al. to have a fuse or pyrotechnic charge electrically signal a crash condition and trigger the breaking the break-away device so the shift lever breaks before coming into contact with the driver. This will further reduce the impact on a driver and improve the energy-absorption characteristics of the steering column assembly. It would also be obvious to modify Yoji et al. with the teachings of Duval et al. to have the fuse be held by a shear container to protect and secure the fuse when the vehicle is not in a crash condition. It will also secure the fuse during a crash condition to ensure proper breaking of the break-away device.

Yoji et al. also discloses a translating bracket (11, 18, & 19 of Figure 9) that is pivotably connected to the support member and operatively supports the shift lever.

Allowable Subject Matter

9. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show a steering column assembly comprising a shift lever connected to a support member through a break-away device; which comprises a fuse held by shear container, limits the movement of the shift lever upwardly toward a parallel relationship with the shift axis, but releases the shift lever toward the parallel relationship in response to a crash condition; wherein the shear container extends through the support member and also through a translating bracket, where the translating bracket is pivotably connected to the support member and operatively supports the shift lever.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hass et al. (U.S. Pat. No. 3,368,421 A), Uhlenhaut et al. (U.S. Pat. No. 3,707,095 A), Sugiyama (U.S. Pat. No. 6,029,536 A), and Nishimura et al. (U.S. Pat. No. 2001/0037700) disclose break-away shift levers.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown
Examiner
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DJB


DAVID R. DUNN
PRIMARY EXAMINER